

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

AMINA KITWARA,

*Plaintiff,*

v.

JULIUS JENGE,

*Defendant.*

No. 1:22-cv-1371 (PTG/LRV)

**ORDER**

This matter comes before the Court on the August 14, 2024 Report and Recommendation (“R&R”) (Dkt. 81) from Magistrate Judge Lindsey Robinson Vaala regarding Plaintiff’s Motion for Default Judgment, or, in the Alternative, for Summary Judgment (Dkt. 69) against Defendant, pursuant to Federal Rule of Civil Procedure 55(b). The Magistrate Judge advised the parties that objections to the R&R must be filed within fourteen (14) days of service of the R&R and failure to object waives appellate review. Dkt. 81 at 16. To date, no objections have been filed.

After reviewing the record and the Magistrate Judge’s R&R, and finding good cause, the Court hereby **APPROVES** and **ADOPTS** the findings and recommendations the Magistrate Judge set forth in the R&R (Dkt. 81). Accordingly, it is hereby

**ORDERED** that Plaintiff’s Motion for Motion for Default Judgment, or, in the Alternative, for Summary Judgment (Dkt. 69) is **GRANTED in part** and **DENIED in part**; it is further

**ORDERED** that judgement by default as to Count I (Breach of the Oral Partnership Agreement) and Count II (Breach of Fiduciary Duty) of the Second Amended Complaint is entered against Defendant in Plaintiff’s favor; it is further


**ORDERED** that Plaintiff, in her personal capacity, is entitled to \$0 in damages; and it is further

**ORDERED** that Plaintiff's Motion for Motion for Default Judgment, or, in the Alternative, for Summary Judgment (Dkt. 69) is **DENIED in all other respects**.

The Clerk is directed to enter judgment in favor of Plaintiff as set forth above, pursuant to Federal Rule of Civil Procedure 55, to mail a copy of this Order to Defendant, proceeding *pro se*, and to close this action.

This is a final order for the purposes of appeal. To appeal this decision, Defendant must file a written notice of appeal with the Clerk of the Court within thirty (30) days of the date of entry of this Order. A notice of appeal is a short statement indicating a desire to appeal, including the date of the order Defendant wants to appeal. Defendant need not explain the grounds for appeal until so directed by the court of appeals. Failure to file a timely notice of appeal waives Defendant's right to appeal this decision.

Entered this 6<sup>th</sup> day of September, 2024.  
Alexandria, Virginia

  
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Patricia Tolliver Giles  
United States District Judge